REMARKS

Claims 9-23 are pending. No claim is allowed.

Applicants respectfully request the consideration of these additional arguments in conjunction with those arguments submitted in the response mailed April 18, 2005.

Rejection Under 35 U.S.C. § 101

Claims 9-23 remain rejected under 35 U.S.C. § 101 as allegedly lacking the support of either a credible, substantial and specific asserted utility or a well established utility. The Examiner asserts that the specification does not teach what specific pathway in any specific cell type that leads to a specific disease. Applicants traverse this rejection.

In rejecting the presently claimed invention, the Office has apparently taken the position that only certain evidence substantiated by actual experimental data regarding the mechanism of action would establish patentable utilities. However, such is not the legal standard for the utility requirement. The specification identifies specific diseases where CD200R and its specific antibody are relevant. All of the evidence filed provides objective support for the role of CD200R in these diseases. Disclosure of diseases such as inflammatory conditions, multiple sclerosis, rheumatoid arthritis, and autoimmune disease are specific, substantial, and credible to one of skill in the art. Applicant enclose herewith yet another reference demonstrating the specific utility of CD200R antibody in the treatment of collagen induced arthritis (CIA), a recognized animal model for rheumatoid arthritis. *See* Exhibit 1 at, *e.g.*, page 32. To date, the Examiner has provided no objective evidence which would cast doubt on the objective truth of the disclosed utility. *See* MPEP § 2107.02 (III) (A), at page 2100-39 ("[a]s a matter of Patent Office practice, a specification which contains a disclosure of utility which corresponds in scope to the subject matter sought to be patented must be taken as sufficient to satisfy the utility requirement of § 101 for the entire claimed subject matter unless there is a reason for one skilled in the art to question the objective truth of the statement of utility or its scope")(emphasis original). Applicants respectfully submit that the breadth of the utilities disclosed does not render those utilities without specificity, substantiality, or credibility. Rather, the breadth demonstrates the significance of the role of this biological molecule (and its specific antibody).

In view of the above, the basis of the rejection may be withdrawn.

Rejection Under 35 U.S.C. § 112, first paragraph

Claims 9-23 remain rejected under 35 U.S.C. § 112, first paragraph as allegedly lacking adequate written description and enablement. According to the Examiner, the claimed binding compounds may not even bind SEQ ID NO:20. Applicants traverse this rejection.

Applicants respectfully submit that the claims as amended clarify that the claimed binding compounds binds the polypeptide encoded by SEQ ID NO:20 or a functional fragment thereof. The specification provides sufficient disclosure for this genus of compounds as the sequence of the CD200R protein is provided as well as guidance in how to make and use such antibodies.

In view of the above, the basis of the rejection may be withdrawn.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 9-23 remain rejected under 35 U.S.C. § 112, second paragraph for alleged indefiniteness. According to the Examiner, the specification fails to define how pure the binding compound need to be to be considered "substantially pure". Applicants traverse this rejection.

Applicants respectfully submit the term "substantially pure" modifies the antibody providing the antigen binding site, and not the binding compound. Applicants again submit that a person of skill in the art would understand this term to include antibodies isolated using, *e.g.*, the methods disclosed in the specification at page 66, lines 20-34, or antibodies made using recombinant technology. Thus, the scope of the claimed invention is sufficiently definite for one of ordinary skill in the art.

In view of the above, the basis of the rejection may be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 140942000900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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